

Claimant testified she did not begin to experience any symptoms until January 9, 1996, when she awoke with a “tiny pinch” in her neck. Although claimant bowled the evening before, she testified she experienced no problems or difficulties at that time. Claimant also testified that while driving for respondent the morning of January 9, 1996, she began to experience pain and numbness in her upper right extremity and neck.

However, the medical records that claimant introduced from the Truman Medical Center contain a somewhat different history. In the orthopedic clinic note dated April 23, 1996, Dr. Jonathan Grantham writes that claimant began feeling a tightness on the right side of her neck on January 8, 1996, after bowling.

Based upon the evidence presented, the Administrative Law Judge found that claimant failed to prove she sustained personal injury by accident arising out of and in the course of employment with the respondent. The Appeals Board agrees with that conclusion. Although claimant obtained an undated letter from Dr. Däne K. Wicks of the Truman East Medical Center stating that claimant had symptoms more consistent with an overuse syndrome than a strain from bowling, it is not clear whether the history upon which the doctor's opinion is based is accurate. Dr. Wicks indicates in that letter that claimant began experiencing pain while working on January 9, 1996. The doctor does not mention the symptoms claimant experienced in her neck after bowling the evening before or the symptoms claimant experienced when she awoke on January 9, 1996. Because of the apparent inconsistencies in the medical history, Dr. Wick's letter does not convince the Appeals Board that claimant's complaints are related to a work-related injury.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the preliminary hearing Order entered by Administrative Law Judge Alvin E. Witwer dated July 11, 1996, should be, and hereby is, affirmed.

IT IS SO ORDERED.

Dated this ____ day of August, 1996.

BOARD MEMBER

c: Carl D. Gum III, Kansas City, MO
D'Ambra M. Howard, Overland Park, KS
Alvin E. Witwer, Administrative Law Judge
Philip S. Harness, Director